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ATTORNEY REPRESENTATION IN CASES ON INTELLECTUAL PROPERTY: SITUATION IN UKRAINE

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Attorney representation in cases on intellectual property: situation in Ukraine.

In the context of the European integration processes in Ukraine, intellectual property issues are increasingly covered, with almost 70% of the content of the economic part of the Association of Ukraine with the EU is devoted to questions of intellectual property, which opens for Ukrainian lawyers relatively new services – sector intellectual property. In this regard, in the near future it's expected increasing of the demand for legal services in cases of this type. It will also result in an influx law on the Ukrainian market of specialists with this specialty. Ukrainian lawyers to compete, have to quickly learn the necessary new skills.

What is intellectual property? "Intellectual property" includes the rights relating to: literary, artistic and scientific works; performances of performing artists, phonograms, radio and television broadcasts; inventions in all fields of human activity; scientific discoveries; industrial designs; trademarks, brand names and commercial designations, protection against unfair competition and all other rights resulting from intellectual activity in the industrial, scientific, literary or

artistic

fields.

(<http://www.nsj.gov.ua/files/1378882678IPR%20Manual%20UKR.pdf>)

It follows that in a broad sense, the term "intellectual property" we understand the rights to results of intellectual activity in these areas and commercial designations. Thus, under the intellectual property should be understood not the product of human intellectual activity as such, and the ownership of a certain category of results of intellectual activity that, on the one hand, deserve legal protection, but on the other hand are intelligent, creative nature. Important legal difference copyright industrial property: copyright is not subject to mandatory state registration. Industrial property law (inventions, industrial samples, etc.) only gets the relevant legal rights, becomes an object of intellectual property rights when it registered. Registration of copyright, on the one hand, helps to release yourself from the obligation to prove, or rather, to simplify this debt through a presumption of authorship. Securing the intellectual property right of ourselves, we can then in court to appeal the violation of their. In this case, we will need legal aid, because litigation against such processes tend to be quite long and complex, and without the help of a professional lawyer to win the case is not always easy, because attackers have resorted to various manipulations, for example: to delay the decision on the prohibition of the illegal use of copyright or compensation, they submit a statement of claim to invalidate the copyright registration. Thus, copyright registration allows unscrupulous individuals to manipulate their rights to file a claim for recognition of registration void. This is one example of advocacy for the protection of intellectual property.

Speaking about intellectual property, it is impossible to circumvent issues of specificity and protection of trade secrets. For efficient protection it is necessary to register the intellectual property law in the statutes of the company. In order to do the company's owners and employees understand that intellectual property is very important. The plant, which is related to technology, to information that may be considered commercial, you can develop special provisions for the protection of trade secrets. By the way, a development of the provisions on trade secrets is only the law working. Accordingly, when recruiting workers that have some relevance to such information, then they need to enter into contracts (or to register in the employment contracts the relevant provisions) or enter into a separate agreement not to disclose trade secrets.

According to the Constitution of Ukraine, protection of intellectual property rights by the court. St.432 of the Civil code of Ukraine provides that every person has the right to address in court for protection of his intellectual property rights according to Art. 16 of the Civil code of Ukraine. So, according to Civil code of Ukraine subject to intellectual property rights may require that the court applied are common to all civil relationships protection recognition; recognition of the transaction invalid; termination, which violates the law; restoring the situation that existed before the violation; modification of legal relationship; indemnification and other ways of compensation for property damage; reimbursement of moral (non-property) damage, etc.

Violation of the rights to objects of intellectual property provides for civil and economic (property), criminal and administrative liability. Criminal liability for violation of intellectual property rights comes under article 176 of the Criminal code of Ukraine (copyright); article 177 of the criminal code (industrial property); article 229 of the criminal code (trademark).

Summing up the peculiarities of protection of intellectual property rights, we can distinguish the following tasks of the lawyer: the evidence of the law (especially in criminal cases where there is a victim); evidence of using of object of intellectual property; incitement of damages; evidence of acquaintance of the offender.

ADOLF STRAKHOV AND ADOLF JEAN-MARIE MORON: POSTER THEMES AT THE 1925 WORLD EXHIBITION IN PARIS

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Since the end of the nineteenth century, a widespread public use of posters has become typical for many countries. Eminent and novice artists were involved in posters creation. Poster allowed them to experiment and become popular as well as get closer to the viewers and widen their audience. In our research, we consider the works of two now-forgotten experts of the poster – Adolf Strakhov and Cassandra. Their works were recognized and appreciated for the high artistic level, but, unfortunately, the lives and activities of these artists have almost never found any coverage in the historiography. Today we have only a few works by T. Tzar, O. Tikhonyuk or short biographical reports in the reference literature.

The World Exhibition of Art and Crafts in Paris in 1925 was the stepping stone for artists from different countries, including the Ukrainian ones, which made it possible for artists to find themselves in the Art Deco style (from the French "decorative art"). Its characteristic feature is the eclecticism of styles, sometimes even contradictory with each other.

At the beginning of the 1920s, the poster became an integral part and tool of the information space, functioning not only as a source of information, but also as a full-fledged aesthetic unit. At the exhibition in Paris, two artists especially distinguished themselves in the art of poster, whose fates were connected with Kharkiv and a common artistic direction. The first was Adolf Jean-Marie Moron, known as Cassandra, who was born and spent his childhood in Kharkiv, but due to the beginning of the war was forced to move with his family to Paris, where he devoted his life to art. In 1923 he introduced his first work to the public. It was the poster "The Harvester", which later received a prestigious award at the International Exhibition of Decorative Arts. Equally valuable was the poster